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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,204	01/07/2004	Laura M.L. Chan	CA920030031US1	5645
58139	7590	09/30/2009		
IBM CORP. (WSM) c/o WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 DALLAS, TX 75201				
EXAMINER				
AHMED, AFFAF				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
09/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* LAURA M. L. CHAN,  
CARSTEN E. MYTROEN, and TACK TONG

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Application 10/753,204  
Technology Center 3600

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Mailed: September 30, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

On December 18, 2008, Appellants filed a Notice of Appeal. On May 11, 2009, the Examiner mailed an Examiner's Answer that contained a new ground of rejection. Appellants were required to reply within two months of the mailing date to either reopen prosecution or maintain the appeal. Appellants have failed to respond. Thus, the appeal is dismissed. See MPEP 1207.04 (C)

Accordingly, it is

ORDERED that the appeal filed December 18, 2008, be returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

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